



09/100,516

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Re:** Patent Application for Kaster **Date:** Dec 26, 2002  
**Serial No.:** 09/100,516 **Art Unit:** 1638  
**Filed:** June 19, 1998 **Examiner:** Dr. Kruse  
**For:** Plants and Their Preparation **Action:** Amendment

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**To:** The Commissioner of Patents and Trademarks, Washington, DC 20231

Dear Sir:

**Remarks**

The newly typed claims are attached hereto as a separate sheet. It is requested that the Examiner allow the claims based on the amendments made to claim one.

This amendment is in response to the office action of 8/28/2002. In paragraph 4 the Examiner objected to Line 5 of claim one where carrier was a typo and the claim has been amended to include the word carry in its place. Additionally, the word resistance has been corrected to be resistant. Claims 2-11 and 21-23 are amended to delete "a" and insert "The".

In Paragraph 5 the Examiner had a rejection under 35 USC §112 to all the existing claims as being indefinite. The basis of the rejection was that the preamble of claim one was to a method of producing a transgenic plant and the method steps do not teach a transgenic plant. The preamble of the claim has been amended to reflect what is produced in the last step of the application. At line 3 the applicant is told that the Examiner finds that an "advanced vegetative state" does not state the metes and bounds of the claim. The applicant brings to the Examiner's attention the third page of the application where an advanced vegetative stage is described as comprising a stage of v5 or above unto V16 in corn. The description of these stages in plants is well know and the 1982 reference to these stages in plants is sited in the